

### **REMARKS**

Claims 1 and 3-5 are pending in this application. By this amendment, claim 1 is amended and claim 2 has been cancelled. As amended, claim 1 recites additional features of an embodiment of the present invention. Support for the amendment is found in the original specification.

In view of the amendment of claim 1, the outstanding rejection of claims 1-5 under 35 USC 103(a) over Ayabe and Verbeek is obviated. The references alone or in combination fail to teach each and every limitation of amended claim 1.

Applicants respectfully suggest that the Examiner has misread Ayabe and wish to identify a significant distinction between what is taught by Ayabe and the subject matter of the present claims. Particularly, the Examiner appears to be interpreting Ayabe to teach that the domy-shaped tissue is formed from stem disc explant (stem disc) corresponding to the foliage leaf base. The Examiner's rejection is, therefore, based on the suggestion that Ayabe teaches that virus-free seed plants can be produced by the shoot-tip culture method. The Examiner's position, however, does not account for the distinction between the culturing of green plants from shoot-tip or the stem disc. See Figure 1 of Ayabe for illustration.

The references do not teach the method of amended claim 1. The method taught by Ayabe includes the culturing of stem discs and the formation of shoots on the stem discs without forming dome-shaped tissues. The presently claimed method, however, differs in that dome-shaped tissue is isolated and then cultured, cultivating the dome-shaped tissue directly into a green plant. The difference between what is taught by Ayabe and the method of claim 1 is illustrated by the steps of amended claim 1:

“culturing the foliage leaf base on a solid medium not containing plant hormones to form domy tissues;

isolating the domy tissues from the foliage leaf base; and

culturing the domy tissues on a solid medium containing no plant hormones so that the domy tissues grow into plants.”

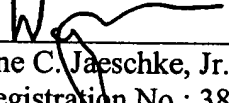
As amended, claim1 recites features of the present method that are not found in the Ayabe reference. Ayabe cultures the stem disc to grow green plants from shoot-tip cultures. The reference does not disclose the isolation of the domy tissue and the culturing of green plants therefrom. This feature is not shown in any of the cited references and, therefore, the rejection of claims 1 and 3-5 under 35 USC 103(a) should be withdrawn.

All claims are, therefore, in condition for allowance and a notice thereof is earnestly solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 350292001100.

Dated: February 22, 2005

Respectfully submitted,

By   
Wayne C. Jaeschke, Jr.  
Registration No.: 38,503  
MORRISON & FOERSTER LLP  
1650 Tysons Blvd, Suite 300  
McLean, Virginia 22102  
(703) 760-7756